

Eastern Massasauga Rattlesnake (*Sistrurus s. catenatus*)
Candidate Conservation Agreement with Assurances (CCAA) for
Rome State Nature Preserve, Ashtabula County
Prepared by: Melissa Moser, ODNR Division of Natural Areas and Preserves

This CCAA, effective and binding on the date of last signature below, is between Ohio Department of Natural Resources (ODNR), Division of Natural Areas and Preserves (DNAP) and the U.S. Fish and Wildlife Service (Service):

Property Owner: ODNR, Division of Natural Areas and Preserves

Service: The Service designates the following individual as the Agreement Administrator: Mary Knapp, Field Supervisor, Reynoldsburg Ecological Service Field Office, 6950-H Americana Parkway, Reynoldsburg, OH 43068, (614) 469-6923.

Tracking Number: TE101451

Enrolled Lands

The entire Rome State Nature Preserve (Rome SNP) is located within Ashtabula County, Ohio. Containing 104.842 acres of dedicated land, the preserve lies within the Grand River watershed along East and West Center Road (U.S. Rt. 6) at the township line bordering Rome and Harts Grove Township (Figure 1). As a dedicated state nature preserve, Rome SNP is protected under Ohio Revised Code 1517.05. With the exclusion of approximately one acre of land in the northeast corner of the preserve containing a home-site, the entire preserve will be included in this CCAA.

Authority and Purpose

Sections 2, 7, and 10 of the Endangered Species Act (Act) of 1973, as amended, allow the U.S. Fish and Wildlife Service to enter into this CCAA. Section 2 of the Act states that encouraging interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs is a key to safeguarding the Nation's heritage in fish, wildlife, and plants. Section 7 of the Act requires the Service to review programs that it administers and to utilize such programs in furtherance of the purposes of the Act. By entering into this CCAA, the Service is utilizing its Candidate Conservation Programs to further the conservation of the Nation's fish and wildlife. Lastly, section 10(a)(1)(A) of the Act authorizes the issuance of permits to enhance the survival of a listed species.

The purpose of this CCAA is for the Service to join with DNAP to implement conservation measures for the eastern massasauga rattlesnake (massasauga) by providing continuing protection for the Rome SNP population in Ashtabula County, Ohio. This agreement will detail the management strategies to be followed by the land manager. Conservation will be achieved by reducing threats to the population and maintaining and/or improving the available habitat.

The Service's Massasauga Conservation Strategy

Range-wide, many massasauga populations occur on protected lands (i.e., publicly owned land or land purposely set aside by non-governmental entities for long-term preservation). Because of the number and spatial distribution of these sites, it may be possible to slow or even halt the decline of the species in just a few years if the threats occurring on these properties are eliminated. Furthermore, if an adequate number of protected properties are sufficiently large and are capable of supporting viable populations, the burden on private lands for protecting/recovering a venomous snake can be minimized. Thus, to the extent possible, the aim of the Service is to concentrate conservation efforts on these protected properties. The goal is to assure the long-term protection of these populations through CCA(A)s (Candidate Conservation Agreements (CCA) or Candidate Conservation Agreements with Assurances (CCAA)). Although the aim is to concentrate efforts on protected properties, the Service is not dismissing the value of private lands in the conservation of massasaugas. Private lands, particularly those adjacent to protected properties, may be necessary for the long-term stewardship of massasaugas. That is, while the protected lands likely support the core of remaining habitat, the non-protected lands may provide critical elements of massasauga habitat (e.g., hibernacula, summer foraging areas, etc.). With this conservation strategy in mind, the Service and the States within Region 3 developed a collective section 6 proposal to best manage and utilize limited resource funding for massasaugas. The primary objective of the proposal is to develop 11 CCA/CCAAs on protected properties across the Midwest.

In developing CCAAs, we must ensure they meet the recovery standard. As protected properties harbor the core populations, the recovery standard on these sites is to ensure the long-term protection of the population. The specific conservation measures required at each protected property to achieve this standard will vary, however, in general the need is to protect critical habitat components (foraging, gestational, and over-wintering habitats) in sufficient quantities and qualities and to implement management practices that promote massasauga welfare. Thus, a CCAA will meet the recovery standard if it ensures massasauga persistence by committing to: (1) implement management that promotes the well-being of massasaugas, (2) restore or enhance habitat to support a viable population, and (3) protect such habitat. On adjacent properties, the recovery standard is to protect or provide the constituent element needed for the population. For example, if a property provides gestational sites for the core population, the recovery standard for this site will be maintaining these areas for future use. Or, if a property once provided foraging habitat for the snake, and such habitat is needed for the core population to maintain or expand, then the recovery standard will be to restore and maintain the foraging capability of the property.

History of Massasaugas in Ohio

The eastern massasauga rattlesnake, also known as the swamp rattler or black snapper, has been a quiet resident of many areas of glaciated Ohio for years. As the smallest rattlesnake in Ohio, it is known to reach an average length of 18-22 inches (Wynn 2003). The color of the snake is gray, gray-brown or brown with dark colored blotches or bands along the length of its body (Harding 1997). Some snakes are melanistic (entirely black) which is a trait more common in northeast Ohio (Wynn 2003). While the massasauga spends most of the warmer, summer months in well-drained upland habitats such as fields and grasslands, it spends the majority of its time in lowland swamps, bogs, fens, and wet prairies (Harding 1997). Massasaugas over-winter

in wet areas and primarily utilize crayfish burrows for shelter. Voles are believed to be the favored prey of the species, however mice, frogs, snakes and small birds are also consumed (Tennant and Bartlett 2000). It is not considered an aggressive snake and often goes undetected by the casual observer.

The massasauga was once common throughout much of the Great Lakes basin, but now is restricted to scattered, often isolated populations (Harding 1997). Extensive farming, draining of wetland habitats, vegetation succession and other forms of habitat fragmentation have contributed to reduced numbers of massasaugas. Loss of habitat and persecution by humans are thought to be the primary causes of decline (Szymanski 1998). In 1938, when Roger Conant published the first edition of *The Reptiles of Ohio*, massasaugas were found in 21 of Ohio's 88 counties. He noted that even at that time, the massasauga was already considered more rare than previous accounts in northeastern Ohio. Current records from the Heritage Database (DNAP) place the snake in only 15 Ohio counties. At least eight of these populations occur on state-owned and/or managed land. DNAP manages three sites, The Division of Wildlife manages four sites and the Ohio Historical Society manages another. The massasauga has been listed as an endangered species in Ohio since 1996. In October 1999, the USFWS designated it a candidate species for Federal protection under the Endangered Species Act.

Background on the Site

A house and the remains of a barn occupy approximately one acre of land in the northeast corner of the preserve. This land will not be included in the CCAA. The former property owner can trace the history of the original 74.31-acre tract of land within Rome SNP back to its purchase in 1951. Farming began in 1952 when corn was raised and the rest of the property was used as pasture for cows although pigs and chickens were kept near the house. A pond was built near the house. The cows were sold in 1993. The woods were selectively logged in 1957 and again in 1993 by Amish using horses.

The meadows benefited from the cattle grazing which discouraged the growth of trees and shrubs. Three individual meadows are apparent on the preserve today (Figure 2), separated by shrub/tree lines. These meadows consist of a variety of plants including grasses, goldenrod, tick-trefoil, spiraea, dogwood, multiflora rose, willows and reed canary grass. The reed canary grass is concentrated just south of the road in the central meadow and in a small area in the northern portion of the east meadow (Figure 3). Also located on the preserve are several marshy areas, two of which are directly adjacent to the meadows. This combination of available wet and dry habitats is ideal for massasaugas.

Massasaugas had been reported from several private properties in Ashtabula County for years although the locations were kept secret in an effort to protect the snakes from persecution (Wynn 2003). None of the sites were documented until DNAP contracted with Doug Wynn, a reputable herpetologist in the state, to do a survey at the site in 1997-98. Three massasaugas were tracked and appeared to be utilizing crayfish burrows in the area during the summer. This higher ground was located less than 50 meters from suspected winter dens (Wynn 1998). This would be consistent with the general habits of massasaugas to use drier uplands in the summer and wetter areas in the winter months (Harding 1997). Studies also indicate that massasaugas have a home range size of approximately 25 hectares and Rome SNP exceeds that size (Wynn 1998). Based

on Doug's recommendations following the completion of the survey, DNAP purchased the 74.31-acre site in March 2000. An additional 30.5 acres to the west of the Davis property was purchased in April, 2003. The total acreage of the preserve is now approximately 105 acres. The primary management goal at the preserve is to protect and manage the site for the perpetuation of the massasauga population.

Population Survey 2002-2003

Doug Wynn was contracted to survey the population of massasaugas at the preserve to estimate the number of individual snakes and to provide management recommendations (Appendix A). Work began in February 2002 when tin cover sheets were placed in transects throughout the preserve. These sheets were inspected from April 2002 through October 2003 with the exception of July due to the heat, and the winter months from November to March. Snakes were captured and processed either in the field or in the lab.

A total of 36 snakes were captured at Rome SNP during the 2002 season and 51 snakes were captured during the 2003 season involving 46 individual massasaugas. In addition, 14 neonates were born to two females in the laboratory in 2003. With the addition of the neonates born in captivity, a total of 60 snakes were found in 2003. Using a Lincoln-Peterson Index, the total population is estimated to be 106 individuals.

Digital Habitat Mapping

Using Garmin Map 76 equipment, the available massasauga habitat at Rome SNP was mapped except for the land acquired in 2003. This newly purchased 30.5 acres was not mapped or surveyed for massasaugas, but will be surveyed in the future. On the original preserve, three separate meadows were mapped (Figure 2) as well as the wet area between the central and west meadows. Management efforts have been underway and are also represented on the maps (Figure 3). Doug Wynn also used GPS equipment to take points at each location a snake was found or collected (Figure 4). This data was used to relocate the collection sites for the release of snakes that were processed in the laboratory and to keep track of areas they were utilizing.

The GPS data was then used to create ArcView shapefiles that were placed on digital photographs. These photographs have proven to be a valuable tool when assessing available habitats. The acreage of the larger, west meadow is calculated to be 5.74 acres. The middle meadow is 2.19 acres and the northeast meadow is 1.79 acres. Approximately 9.72 acres total (Figure 2) of drier, upland meadows are present. At least 2.5 acres of wet, swampy habitat is available within the immediate vicinity of the drier meadows. The remainder of the preserve is a mixed swamp forest.

Conservation Measures and Obligations of the Parties

Ohio Division of Natural Areas and Preserves

DNAP will take steps to ensure the continued success of the massasaugas at Rome SNP by adopting an adaptive management approach. Management activities will be highly dependent upon weather conditions. Winter activities may include mowing and/or burning when appropriate. During the summer, when the massasaugas are active, management will be limited to manual cut and treat methods and basal bark or foliar spraying.

With an estimated 106 massasaugas on the preserve, the current habitat characteristics already provide for the basic needs of the snakes. Currently, the meadows are composed of grasses, sedges and shrubs separated by shrub thickets, trees or a wetland area (Figure 2). DNAP will take steps to create a better quality habitat for the massasaugas.

Initially, the primary goal is to remove the tin used in the surveys, experiment with different habitat management techniques and monitor how the snakes respond to each technique. Within the next 1-5 years, DNAP would like to expand and connect the current meadows. Over the next 5-10 years, the newly purchased land will also be evaluated for massasauga habitat. Similar management techniques will be used on this new area. The following goals represent DNAP's commitment to enhancing the massasauga habitat at the preserve.

Habitat Management

A. Maintain and expand the existing meadows by creating a mosaic of vegetation consisting of approximately 50% grasses and sedges and 50% shrubs. This variety of habitat should provide for the different habitat needs of the massasauga.

- Use methods such as cutting woody plants, applying herbicides (cut stump, foliar, or basal bark method), mowing, and fire. In applying these techniques, DNAP will follow habitat management guidelines outlined in Johnson et al. (2000).
- Initial goal is to connect the far northeast and southeast meadows (Figure 2)
- Long-term goal is to connect all three meadows and maintain them with mixed vegetation including approximately 50% shorter sedges, grasses, and forbs.
- Current wet areas will be kept intact. These areas will remain available for over-wintering use by the massasaugas.

B. Introduce mowing as a management tool. Mowing will be an efficient way of controlling shrubs. In addition to treating more area in less time, it will limit the amount of herbicides applied.

- Begin by mowing strips in the northern part of current meadows. The southern portion of the west and central meadows will be completely mowed.
- Mower blade will be set 6 inches or higher.
- Mowing will be done between the months of October and March when snakes should be in their hibernacula. If weather conditions do not permit mowing at these times, it may be done during hot summer afternoons when the snakes are least active.
- If unable to mow, other activities will be used including herbicide spraying and cutting and treating.
- Prescribed fire may be another alternative although it could encourage some of the invasives at the site, particularly the reed canary grass and Canada goldenrod. The timing of either mowing or fire is critical and will be a consideration before either is utilized.
- Tin will be placed in mowed and un-mowed strips to monitor its use by the massasaugas.

C. *Control the spread of reed canary grass into the preserve. This species is currently invading from the north (Figure 3). Reed canary grass forms a monoculture that may inhibit the productivity of the massasaugas, mice or crayfish.*

- Initially keep the invasive from spreading any further into the preserve.
- Long-term goal, to promote the growth of native grasses and sedges in the reed canary grass area by inhibiting its growth. Herbicides may be used for control methods.

D. *Control the spread of Canada goldenrod, particularly in the northeast meadow. This species is showing invasive characteristics in the eastern meadow. Its presence limits the ability of other grasses and sedges to colonize.*

- Broad-leaved herbicides may be used to control the goldenrod and encourage the growth of native grasses for mice (*Microtus spp.*) habitat.

E. *Monitor beaver activity to ensure the habitat is not flooded for any extended period of time.*

- Beaver management will be initiated if massasaugas are at risk.

Protection

A. *Remove tin used in population survey.*

- Because of the vulnerability to poachers of the snakes that are utilizing the tin sheets, they will be removed or stacked on site amongst the remains of the barn.
- Some sheets will be left in place or moved to other locations to continue monitoring the use of different habitats.

B. *Heighten security during the spring and fall.*

- Spring and fall are thought to be the most active seasons for poachers (Wynn 1998) The preserve manager will visit the site more frequently at these times as time permits.

C. *Install a gate or similar device at the entrance to the preserve to deter poachers.*

- Doug Wynn (2003) reported that melanistic massasaugas are worth approximately \$500.00 in the pet trade. This poses an immediate threat to the population at Rome SNP as poachers have been sighted in the preserve in the past.

D. *Regulate public use of the preserve by restricting access.*

- Visitation will be allowed by permit only.
- Any research or collecting activities will also require a written permit from the Chief of DNAP.
- Facilities will be limited to a small, gated parking area for visitors.

E. *Erect a security camera if necessary.*

- A motion sensor camera may be installed if a potential poaching situation arises. Such equipment would either be borrowed from another division or purchased with the assistance of the Service.

F. *Reduce the number of perches for raptors.*

- Cut down trees in fencerow (Figure 2)
- Trees cut will be left in place to provide cover for the massasaugas and other animals on the preserve

Additional Measures

A. *Evaluate newly purchased land to the southwest of existing meadows for its potential as massasauga habitat (Figure 1).*

- Incorporate this new property into the preserve management plan.
- If accessible, place several pieces of tin to see if massasaugas are utilizing the area.

B. *Maintain a working relationship with the neighbors and local law enforcement officials.*

- Continue to contact neighbors periodically to ensure their receptiveness and understanding of the goals and mission of DNAP at the site.
- If there is interest, local law enforcement officials may be able to help monitor visitation of the site especially during the spring and fall when poachers might be more active.

C. *Promote additional studies at the site*

- A crayfish study should be done at the site since little is known about their habitat needs.

D. *Purchase additional land adjacent to the preserve as it becomes available and as funds permit.*

- Land immediately adjacent to the preserve offers similar habitat. It may also harbor massasaugas and would be a valuable addition to the existing property.

U.S. Fish and Wildlife Service

The Service will provide technical assistance with the development of the CCAA and permit application. They will provide support for management including information sharing and technical assistance with adaptive management. Law enforcement assistance will be provided upon request.

Expected Benefits

As a dedicated state nature preserve, purchased solely for massasauga protection, Rome SNP provides a permanent sanctuary for the massasaugas in all of their life cycles. As conservation measures are implemented, the massasaugas will have a better quality habitat with less risk of predation or poaching. Through adaptive management and the management guidelines identified above, the likelihood of long-term viability for this population will be better secured.

Level/Type of Take/Impacts

Upon approval of this Agreement, and satisfaction of all other applicable legal requirements, the Service will issue a permit, in accordance with section 10(a)(1)(A) of the ESA to DNAP. This permit will authorize incidental take of massasaugas that results from massasauga related management on the Rome SNP. Although management practices will be scheduled around massasauga activities, minimal take from mowing and prescribed fire may not be avoidable. It is

difficult to quantify the level of take that will occur, but based on past experiences, we anticipate that no more than two individuals will be taken annually.

The Service recognizes that an annual take of two individuals is consistent with the overall goal of precluding the need to list the species, and that if the conservation measures were implemented on other necessary properties, there would be no need to list the species.

Assurances Provided

Through this CCAA, the Service provides DNAP assurances that no additional conservation measures or additional land, water, or resource use restrictions, beyond those voluntarily agreed to and described in the Conservation Measures section of this CCAA, will be required should the massasauga become listed as a threatened or endangered species in the future. Unless otherwise stated, these assurances will be authorized with the issuance of an enhancement of survival permit under section 10(a)(1)(A) of the Endangered Species Act. The application for the enhancement of survival permit is included as Appendix B to this CCAA.

Assurances Provided to DNAP in Case of Changed or Unforeseen Circumstances

The assurances listed below apply to DNAP. The assurances apply only where the enhancement of survival permit associated with the CCAA and the CCAA itself are being properly implemented, and only with respect to species adequately covered by the CCAA.

(1) *Changed circumstances provided for in the CCAA.* If additional conservation measures are necessary to respond to changed circumstances and the measures were set forth in the CCAAs operating conservation program, DNAP will implement the measures specified in the CCAA.

(2) *Changed circumstances not provided for in the CCAA.* If additional conservation measures, not provided for in the CCAAs operating conservation program, are necessary to respond to changed circumstances, the Service will not require any conservation measures in addition to those provided for in the CCAA without the consent of DNAP. Any additional measures must adhere to the terms of the Articles of Dedication of Rome SNP.

(3) *Unforeseen circumstances.*

(A) If additional conservation measures are necessary to respond to unforeseen circumstances, the Service may require additional measures of DNAP, but only if such measures are limited to modifications within the CCAAs conservation strategy for the affected species, and only if those measures maintain the original terms of the CCAA to the maximum extent possible. Additional conservation measures will not involve the commitment of additional land, water, or financial compensation, or additional restrictions on the use of land, water, or other natural resources available for development or use under the original terms of the CCAA without the consent of DNAP.

(B) The Service will have the burden of demonstrating that unforeseen circumstances exist, using the best scientific and commercial data available. These findings must be clearly documented and based upon reliable technical information regarding the status

and habitat requirements of the affected species. The Service will consider, but not be limited to, the following factors:

- (1) Size of the current range of the affected species;
- (2) Percentage of range adversely affected by the CCAA;
- (3) Percentage of range conserved by the CCAA;
- (4) Ecological significance of that portion of the range affected by the CCAA;
- (5) Level of knowledge about the affected species and the degree of specificity of the species conservation program under the CCAA; and
- (6) Whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

Monitoring Provisions

Biological Monitoring

A. Monitor the effect of management activities on the massasaugas.

- Periodic site visits will be the main method of monitoring management activities.
- DNAP will ensure that management will not affect all occupied habitat at the same time. The extent of this measure will vary among management techniques.
- Several tin sheets will be placed in the meadows within managed and unmanaged areas. These sheets are to be checked periodically when the snakes are active. The number of massasaugas present will be noted.
- DNAP will contract with Doug Wynn or another experienced herpetologist to resurvey the entire population every 5 years, as funds are available. Results of surveys will be used to re-evaluate management activities.
- If numbers of massasaugas are dropping, further investigation will be done to determine why and whether a management strategy is effecting the population. If numbers are increasing, it will be determined the current management strategy is effective and as a result, will be continued.

B. Monitor the effectiveness of the proposed protection measures

- Periodic site visits will be only way to measure effectiveness of the protection measures. Each site visit will provide the opportunity to see if unauthorized people are visiting the preserve.
- Any evidence of access to the site without written permission from DNAP, will be seen as a potential poaching incident. Incidents will be recorded and reviewed as needed. If a problem presents itself, DNAP law enforcement may coordinate with the Division of Wildlife and the Service law enforcement to resolve it.

Compliance Monitoring

DNAP will provide reporting related to implementation of the CCAA and fulfillment of its provisions, including implementation of agreed-upon conservation measures, and take authorized by the permit, upon request from the Service. Should the species become listed, DNAP will submit reports in compliance with the enhancement survival permit. The Service, after reasonable prior notice to DNAP, may enter the enrolled lands to ascertain compliance with the CCAA.

Notification of Take Requirement

By signature of this CCAA, DNAP agrees to provide the Service with an opportunity to rescue individuals of the covered species before any authorized take occurs. Notification that take will occur, other than as a result of regular management activities, must be provided to the Service at least 30 days in advance of the action.

Duration of CCAA and Permit

The CCAA, including any commitments related to funding under Service programs, will be in effect for a duration of 10 years following its approval and signing by the Parties. The section 10(a)(1)(A) permit authorizing take of the species will become effective on the date of the final rule listing a species and will expire when this CCAA expires or is otherwise suspended or terminated. The permit and CCAA may be extended beyond the specified terms prior to permit expiration through the permit renewal process and with agreement of the Parties.

Modifications

After approval of the CCAA, the Service may not impose any new requirements or conditions on, or modify any existing requirements or conditions applicable to, DNAP to compensate for changes in the conditions or circumstances of any species or ecosystem, natural community, or habitat covered by the CCAA except as stipulated in 50 CFR 17.22(d)(5) and 17.32(d)(5).

Modification of the CCAA

Any party may propose modifications or amendments to this CCAA by providing written notice to, and obtaining the written concurrence of, the other parties. Such notice shall include a statement of the proposed modification, the reason for it, and its expected results. The parties will use their best efforts to respond to proposed modifications within 60 days of receipt of such notice. Proposed modifications will become effective upon the other parties' written concurrence.

Amendment of the Permit

The permit may be amended to accommodate changed circumstances in accordance with all applicable legal requirements, including but not limited to the Endangered Species Act, the National Environmental Policy Act, and the Service's permit regulations at 50 CFR 13 and 50 CFR 17. The party proposing the amendment shall provide a statement describing the proposed amendment and the reasons for it.

Termination of the CCAA

As provided for in Part 8 of the Service's CCAA Policy (64 FR 32726, June 17, 1999), DNAP may, for good cause, terminate implementation of the CCAAs voluntary management actions prior to the CCAAs expiration date, even if the expected benefits have not been realized. If the CCAA is terminated without good cause, however, DNAP is required to surrender the enhancement of survival permit at termination, thus relinquishing his or her take authority (if the species has become listed) and the assurances granted by the permit. DNAP is required to give 60 days written notice to the other parties of its intent to terminate the CCAA, and must give the Service an opportunity to relocate affected species within 60 days of the notice.

Permit Suspension or Revocation

The Service may suspend or revoke the permit for cause in accordance with the laws and regulations in force at the time of such suspension or revocation (50 CFR 13.28(a)). The Service may also, as a last resort, revoke the permit if continuation of permitted activities would likely result in jeopardy to covered species (50 CFR 17.22/32(d)(7)). The Service will revoke because of jeopardy concerns only after first implementing all practicable measures to remedy the situation.

Remedies

Each party shall have all remedies otherwise available to enforce the terms of the CCAA and the permit. No party shall be liable in damages for any breach of this CCAA, any performance or failure to perform an obligation under this CCAA, or any other cause of action arising from this CCAA.

Dispute Resolution

The parties agree to work together in good faith to resolve any disputes, using dispute resolution procedures agreed upon by all parties.

Succession and Transfer

This CCAA shall be binding on and shall inure to the benefit of the parties and their respective successors and transferees, (i.e., new owners) in accordance with applicable regulations (50 CFR 13.24 and 13.25). The rights and obligations under this CCAA shall run with the ownership of the enrolled property and are transferable to subsequent non-Federal property owners pursuant to 50 CFR 13.25. The enhancement of survival permit issued to DNAP is also transferable to the new owner(s) pursuant to 50 CFR 13.25. If the CCAA and permit are transferred, the new owner(s) will have the same rights and obligations with respect to the enrolled property as the original owner. The new owner(s) also will have the option of receiving CCAA assurances by signing a new CCAA and receiving a new permit. DNAP shall notify the Service in writing of any transfer of ownership, so that the Service can attempt to contact the new owner, explain the baseline responsibilities applicable to the property, and seek to interest the new owner in signing the existing CCAA or a new one to benefit listed species on the property. Assignment or transfer of the permit shall be governed by Service regulations in force at the time.

Availability of Funds

Implementation of this CCAA is subject to the requirements of the Anti-Deficiency Act and the availability of appropriated funds. Nothing in this CCAA will be construed by the parties to require the obligation, appropriation, or expenditure of any funds from the U.S. Treasury or State. The parties acknowledge that the Service will not be required under this CCAA to expend any Federal agency's appropriated funds unless and until an authorized official of that agency affirmatively acts to commit to such expenditures as evidenced in writing. Obligations of the State are subject to the provisions of Section 126.07 of the Ohio Revised Code.

No Third-Party Beneficiaries

This CCAA does not create any new right or interest in any member of the public as a third-party beneficiary, nor shall it authorize anyone not a party to this CCAA to maintain a suit for personal injuries or damages pursuant to the provisions of this CCAA. The duties, obligations, and responsibilities of the parties to this CCAA with respect to third parties shall remain as imposed under existing law.

Notices and Reports

Any notices and reports, including monitoring and annual reports, required by this CCAA shall be delivered to the persons listed below, as appropriate:

Nancy Strayer, Acting Chief
ODNR, Division of Natural Areas and Preserves
2045 Morse Road, Bldg. F-1
Columbus, OH 43229

Mary Knapp
USFWS – Reynoldsburg Field Office
6950-H Americana Parkway
Reynoldsburg, OH 43068

Jennifer Szymanski
USFWS Resource Complex
555 Lester Avenue
Onalaska, WI 54650

Literature Cited

- Conant, R. 1951. The Reptiles of Ohio. Second Edition. The American Midland Naturalist. University of Notre Dame, Notre Dame, Indiana. 284 pp.
- Harding, J. 1997. Amphibians and Reptiles of the Great Lakes Region. University of Michigan Press, Ann Arbor, Michigan. 378 pp.
- Johnson et al. 2000. The Eastern Massasauga Rattlesnake: A Handbook for Land Managers. U.S. Fish and Wildlife Service, Ft. Snelling, Minnesota 55111-4056 52 pp. + appdx.
- Szymanski, J.A. 1998. Range-wide Status Assessment for the Eastern Massasauga (*Sistrurus catenatus*). U.S. Fish and Wildlife Service, Ft. Snelling, Minnesota.
- Tennant, A. and R.D. Bartlett. 2000. Snakes of North America: Eastern and Central Regions. Gulf Publishing Company, Houston, Texas. 587 pp.
- Wynn, D. 1998. Radiotelemetry Study of Massasauga Rattlesnakes at the Davis Tract, Ashtabula County. An unpublished report submitted to DNAP.
- Wynn, D. 2003. A Survey for the Ohio Endangered Eastern Massasauga Rattlesnake, *Sistrurus catenatus*, at the Rome and Pallister Woods State Nature Preserves. An unpublished report submitted to the DNAP.

IN WITNESS WHEREOF THE PARTIES HERETO have executed this Candidate Conservation Agreement for Rome SNP in Ashtabula County.

ODNR
2045 Morse Road, Bldg. D-3
Columbus, OH 43229

Samuel W. Speck Date
Director

U.S. Fish & Wildlife Service
6950 Americana Parkway, Suite H
Reynoldsburg, OH 43068-4127

Mary Knapp, Ph.D. Date
Field Supervisor

Figure 1: Rome State Nature Preserve

Figure 2: Upland Meadows and Buttonbush Swamp Area

Figure 3: Habitat Management Areas

Figure 4: Eastern Massasauga locations 2002 and 2003

Figure 1

Figure 2

Figure 3

Figure 4

Appendix A: A survey for the Ohio Endangered Eastern Massasauga Rattlesnake, *Sistrurus catenatus*, at the Rome and Pallister Woods State Nature Preserves (2002 and 2003 Seasons)

Appendix B: Application for an Enhancement of Survival Permit